

### **Remarks**

The following is a response to the Office Action dated February 25, 2003 in which the examiner has maintained her rejection of claims 39-47 under 35 U.S.C. 103(a) as being unpatentable over Sweeney et al. U.S. patent 5,746,726 in view of Newby et al. U.S. patent 6,436,086; and rejected claims 45-52 under 35 U.S.C. 102(e) as being anticipated by Newby et al.

Per the above amendment, independent claims 39, 44 and 48 have been amended to clarify the structure of the body of the intravenous device/assembly, and to point out with certainty that the housing of the claimed device is an integral part of the device.

In contrast, Sweeney discloses a syringe 12 to which is mated the needle assembly 10, as best shown in perspective view in Fig. 4. Sweeney discloses, per column 4, lines 32-55, that assembly 10 has a needle hub 22, and the proximal end 24 of the needle hub 22 further includes a fitting 32 that "releasibly mounting the needle hub on a fluid handling device, e.g., a female luer fitting 34 for use on syringe 12." Thus, Sweeney clearly discloses that syringe 12 and the needle assembly 10 are separate components, which, when used, are mated. This is clear insofar as syringe 12 can be reused with other needle assemblies, such as 10 or 10a, as shown in Fig. 15.

Newby also discloses a needle assembly that is to be used with a separate device. This is clear in regard to the embodiment shown in Fig. 15 in which Newby discloses that "shield 140a and collar 90a are connected to a conventional IV infusion set, 200 or butterfly structure comprising needle body with a needle hub 207 extending from the forward end of the needle body and a needle 206 embedded in hub 204." (Column 7, lines 14-18)

Thus, in contrast to the claimed invention, neither of Sweeney nor Newby discloses, or suggests, the integrating of a housing to the body. Indeed, each of the cited reference specifically discloses that the needle protection housing be separate from the device to which it is to be coupled. Accordingly, given that the prior art clearly teach away from the integrating of a housing to a body, a person skilled in the art would not have taken the teachings of the prior art, and contravene those teachings to come up with the instant invention. In other words, it would not be obvious for someone skilled in the art at the time the instant invention was conceived to have come up with the instant invention, if Sweeney and Newby were placed before her.

In view of the foregoing, applicant respectfully submits that the instant invention is patentable over the prior art. Accordingly, the examiner is respectfully requested to enter the amendment and pass the case to issue.

Respectfully submitted,



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